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DEPARTMENT OF JUSTICE



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July 13, 2010

Natalie Adomian, Deputy District Attorney
Los Angeles County District Attorney's Office
210 West Temple Street, 1st Floor
Los Angeles, CA 90012

RE: *People v. Daniel Thomas Larsen*; LASC PA032308
Daniel Larsen v. Derral G. Adams, Warden; United States District Court Case No.
CV08-04610 CAS (SS)
Conditional Writ Granted by the Federal Court

Dear Deputy District Attorney Adomian:

This letter is sent to advise you of the status of the above-referenced case because you prosecuted Mr. Larsen in 1999.

As I previously discussed with you, in an order and judgment entered June 14, 2010, United States District Court Judge Christina A. Snyder granted habeas corpus relief pursuant to 28 U.S.C. § 2254 and ordered that Mr. Larsen be released from custody unless he is brought to retrial within 90 days of the judgment becoming final, which appears to be September 12, 2010. Please note that the judgment permits further time pursuant to any additional delay authorized under State law.

I previously advised you that after carefully reviewing the District Court's judgment and the underlying report and recommendation, we had decided not to appeal the decision. In the recent matter of *Lee v. Lampert*, 2010 WL 2652505 (9th Cir. Jul. 6, 2010, No. 09-35276), the United States Court of Appeals for the Ninth Circuit held that a petitioner's claim of actual innocence was not an exception to the Antiterrorism and Effective Death Penalty Act (AEDPA) one-year statute of limitations, which abrogated the United States District Court's ruling in *Larsen v. Adams*, 642 F.Supp.2d 1124 (C.D. Cal. 2010). As you may recall, United States Magistrate Judge Suzanne H. Segal held that Mr. Larsen presented sufficient evidence of actual innocence to warrant consideration of the merits of his untimely claim that his conviction was unconstitutional due to ineffective assistance of counsel. As such, we will be appealing the United States District Court's judgment on the statute of limitations issue.

Today, July 13, 2010, we are filing a notice of appeal. We will also be filing a motion for stay of the judgment pending appeal. If a stay is granted, the retrial proceedings will be

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postponed until the appeal is concluded. I will keep you apprised of the status of our stay motion and any other developments.

If you have any questions or if there is any additional information you need from us, please do not hesitate to give us a call.

Sincerely,



ERIC J. KOHM
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

cc: Lynn Grant, Senior Staff Counsel
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